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EXAMINER

SHIN, MARC L

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,426	Applicant(s) DAMASKO, KONRAD	
	Examiner Marc L Shin	Art Unit 2836	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 1-2 recites "a crown for watches" and says that it is for a watch with a winding stem and a crown body. The applicant has recited "crown" and "crown body" as separate elements which disagrees with the specification (pg 3, under Detailed Description, paragraph 2, lines 1-3).

Lines 2-4 recites the "crown body" as having two parts:

- 1) "a first part which forms a grip surface" (shown as element 6 in Fig. 1)
- 2) "a second part which can be screwed to a crown body thread"
(shown as element 9 in Fig. 1)

Lines 13-15 recite "a first part of the crown body" and "a second part of the crown body", but gives a different definition of parts from lines 2-4. This makes the claim inconsistent, and therefore indefinite.

Art Unit: 2836

Lines 4-5 recites "a second part which can be screwed to a crown body thread with a tube". The limitation "with" appears to be the wrong preposition. Threads do not have tubes.

Line 17 recites that the "second part" (disclosed in line 15) is said to be anchored. Since this recitation of "second part" is an insert, it is unclear what element provides an anchoring function.

For purposes of examination, claim 1 will be interpreted to be:

A crown having two parts, for use with a watch, with a winding stem and a tube. The first part having a grip surface, a threaded portion for engagement with a tube, and a non-circular coupling section. The second part is inserted into an opening in the first part.

The language for "anchored there" is not understood and will be interpreted as perhaps "kept in place perhaps by frictional force".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-11 are rejected under 35 U.S.C. 102 (b) as being anticipated by Rieben (6,200,020).

Rieben discloses a crown (10) for watches having a winding stem (col 5, lines 63-67) and a tube (36) (see Fig. 1a). The crown (10) has two parts. The second part (12) is inserted into an opening in the first part (63) (see Fig. 1a). The first part (63) has a grip surface (72), a threaded portion (66) for engagement with a tube (36), and a non-circular coupling section formed by a hexagonal socket (68) that couples with a hexagonal insert bit (99) (see Figs 1a, 1b, 1c).

Regarding claim 2, Rieben discloses that the guide section of the winding stem (62) has a diameter which is greater than the diameter of the second coupling section (99) (see Figs 1a and 1c).

Regarding claim 3, Rieben discloses that the first coupling section (68) and the second coupling section (99) are each formed by a hexagon (see Figs 1a and 1c, col 5, lines 52-56).

Regarding claim 4, Rieben discloses the first part of the crown body has two recesses at a time which are open to one end face of this part, wherein the first of the recesses (86) is designed to hold the second part (12) of the crown body and the second of the recesses (the space in between the bore 34 and the inner portion 16) is

Art Unit: 2836

proved with an inside thread (38) for screwing the crown body (10) on the outside thread (66) of the tube (62) (see Fig 1a and 1b).

Regarding claim 5, Rieben discloses an opening which is coaxial with the first recess (86) and the second recess (the space between the bore 34 and inner portion 16) through which the winding stem extends and which forms the first coupling section. This opening is located between the pin (97) and the bore (34) (see Fig 1a and 1c).

For claims 8-11, it will be interpreted that the element (97) reads on a winding stem (see Fig. 1a).

Regarding claim 8, Rieben discloses a compression spring (95) which acts between the winding stem (97) and the crown body (63) (see Fig 1a and 1c).

For claims 9 and 10, it will be interpreted that the second part of the crown body is element (63) (see Fig. 1a).

Regarding claim 9, Rieben discloses that the compression spring (95) acts between a contact surface of the winding stem (97) and a contact surface (94) on the second part of the crown body (63) (see Fig. 1a and 1c).

Art Unit: 2836

Regarding claim 10, Rieben discloses that the second part (63) is an insert and projects only with one end face out of the first part of the crown (10) (see Fig. 1a).

Regarding claim 11, Rieben discloses a crown (10) and a screw in penetration for the winding stem (97) (see Fig 1a and Fig. 1c). Since the winding stem (97) has outer threads (66) which engage with inner threads (38), this reads as screw in penetration.

Claim 12 is rejected under 35 U.S.C. 102 (b) as being anticipated by Hernandez (4,092,879). Hernandez discloses a tool for mounting a screw in watch back (20), comprising a sleeve like tool section (12) which holds a screw in watch back (12), and projections (16) extending outward from the opposite end of the tool from the wing members for engaging the plurality of axial holes (22) on the screw in watch back (20) (see Figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2836

Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Rieben in view of Koike (4,062,179). Rieben discloses a watch with a two part crown body and a winding stem, as discussed in claim 1 above. Rieben does not disclose that on the free end of the winding stem there is a square which interacts with the movement. Koike teaches a square portion (2a) that is shaped on the end portion of the winding shaft (2) (see Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the winding stem of Rieben to include the square portion on the end of the stem, as taught by Koike. The motivation would have been to drive another shaft with a square head for the purpose of adjusting the hands of a watch.

Allowable Subject Matter

4. Claim 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Regarding claim 7, the first coupling section and the second coupling section having one bevel each, in the combination as claimed is not disclosed in the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc L Shin whose telephone number is 571-272-2267. The examiner can normally be reached on M - F 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 ext 36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc L Shin
Examiner
Art Unit 2836



BRIAN SIRCUS
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